

**SENATE JOURNAL****TENTH DAY****MORNING SESSION**

The Senate was called to order at 10:00 a.m., with President R. Lane Beattie presiding.

**Roll Call**– All Senators present, except Senator Howell, excused

**Prayer** – President Bill Reynolds, Mueller Park Stake

**READING OF TITLES OF BILLS AND RESOLUTIONS**  
**(PLEASE REFER TO DAY 1, PAGE 18)**

**DAILY SENATE JOURNAL**

Mr. President: January 27, 1999

The Committee on Revision of the Daily Senate Journal respectfully reports that we have read the journal for the ninth day and find it correct with minor amendments noted on the final copy.

Gene Davis,  
Committee Member

Committee report read and adopted.

**COMMUNICATION FROM THE GOVERNOR**

Mr. President and Speaker Brown: December 22, 1998

In accordance with Sections 67-1-1 and 2, Utah Code Annotated 1953, I propose and transmit the following appointments:

**STATE BOARD OF REGENTS**

George Mantes appointed to fill the unexpired term of Ian Cumming on the State Board of Regents, a term to expire June 30, 1999. Section 63B-1-104, Utah Code Annotated 1953, as amended.

Thank you for your timely consideration and confirmation of the above appointment.

Michael O. Leavitt, Governor

Communication filed. Senator Jones moved to consent to the appointments as read by Sandy D. Tenney. Senators R. Allen, Hillyard, Peterson, Beattie,

Knudson, Dmitrich, and Nielson commented. The motion passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	B. Evans	M. Evans	Hale
Hellewell	Hillyard	Hull	Jones
Julander	Knudson	Mansell	Mayne
Montgomery	Muhlestein	Nielson	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Beattie

**Absent or not voting was:** Senator  
Howell

### COMMUNICATIONS FROM THE HOUSE

Mr. President: January 26, 1999

The House passed, as substituted, **1st Sub. H.B. 46**, MINIMUM AGE FOR MARRIAGE, by Representative C. Saunders, and it is transmitted for consideration; and

The House passed **H.B. 48**, APPROVAL REQUIRED FOR MARRIAGE OF A MINOR, by Representative C. Saunders, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **Sub. H.B. 46** and **H.B. 48** were read the first time and referred to the Rules Committee.

### STANDING COMMITTEE REPORTS

Mr. President: January 26, 1999

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **H.B. 13**, PUBLIC SERVICE COMMISSION REPORTING, by Representative J. Seitz.

Parley G. Hellewell, Chair; and

Mr. President: January 26, 1999

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **S.J.R. 4**, RESOLUTION ENCOURAGING EFFECTIVE WATER MANAGEMENT FOR THE FUTURE, by Senator S. Howell; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **H.B. 169**, ANNEXATION OF AGRICULTURE PROTECTION AREAS, by Representative D. Ure; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **H.B. 175**, REGISTRATION REQUIREMENTS FOR FALCONRY, by Representative B. Johnson; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **H.B. 188**, REAUTHORIZATION OF STATE WATER DEVELOPMENT COMMISSION, by Representative E. Olsen.

Beverly Ann Evans, Chair; and

Mr. President:

January 26, 1999

The Health and Environment Committee reports a favorable recommendation on **S.B. 82**, PRACTICE OF MEDICINE, by Senator R. Montgomery, with the following amendments:

1. Page 1, Line 10:  
After line 10 insert:  
“58-68-102, as last amended by Chapter 10 and 227, Laws of Utah 1997”
2. Page 2, Line 46:  
After “state” insert:  
“ provided that nothing in this Subsection (8)(a) may be construed as restricting the authority of a person to administer anesthesia to the extent permitted by a license issued under another chapter of this title”
3. Page 3, Line 72:  
After line 72 insert:  
“Section 2. Section 58-68-102 is amended to read:  
58-68-102Definitions.  
In addition to the definitions in Section 58-1-102, as used in this chapter:  
(1) “Administrative penalty” means a monetary fine imposed by the division for acts or omissions determined to constitute unprofessional or unlawful conduct, as a result of an adjudicative proceeding conducted in accordance with Title 63, Chapter 46b, Administrative Procedures Act.  
(2) “ACGME” means the Accreditation Council for Graduate Medical Education of the American Medical Association.  
(3) “AOA” means the American Osteopathic Association.

(4) “Board” means the Osteopathic Physicians Licensing Board created in Section 58-68-201.

(5) “Diagnose” means:

(a) to examine in any manner another person, parts of a person’s body, substances, fluids, or materials excreted, taken, or removed from a person’s body, or produced by a person’s body, to determine the source, nature, kind, or extent of a disease or other physical or mental condition;

(b) to attempt to conduct an examination or determination described under Subsection (5)(a);

(c) to hold oneself out as making or to represent that one is making an examination or determination as described in Subsection (5)(a); or

(d) to make an examination or determination as described in Subsection (5)(a) upon or from information supplied directly or indirectly by another person, whether or not in the presence of the person making or attempting the diagnosis or examination.

(6) “Medical assistant” means an unlicensed individual working under the direct and immediate supervision of a licensed osteopathic physician and surgeon and engaged in specific tasks assigned by the licensed osteopathic physician and surgeon in accordance with the standards and ethics of the profession.

(7) “Physician” means both physicians and surgeons licensed under Section 58-67-301, Utah Medical Practice Act, and osteopathic physicians and surgeons licensed under Section 58-68-301, Utah Osteopathic Medical Practice Act.

(8) “Practice of osteopathic medicine” means:

(a) to diagnose, treat, correct, administer anesthesia, or prescribe for any human disease, ailment, injury, infirmity, deformity, pain, or other condition, physical or mental, real or imaginary, or to attempt to do so, by any means or instrumentality, which in whole or in part is based upon emphasis of the importance of the musculoskeletal system and manipulative therapy in the maintenance and restoration of health, by an individual in Utah or outside of the state upon or for any human within the state, provided that nothing in this Subsection (8)(a) may be construed as restricting the authority of a person to administer anesthesia to the extent permitted by a license issued under another chapter of this title;

(b) when a person not licensed as a physician directs a licensee under this chapter to withhold or alter the health care services that the licensee has ordered, but practice of medicine does not include any conduct under Subsection 58-68-501(2);

(c) to maintain an office or place of business for the purpose of doing any of the acts described in Subsection (8)(a) whether or not for compensation; or

(d) to use, in the conduct of any occupation or profession pertaining to the diagnosis or treatment of human diseases or conditions, in any printed material, stationery, letterhead, envelopes, signs, or advertisements, the designation "doctor," "doctor of osteopathic medicine," "osteopathic physician," "osteopathic surgeon," "osteopathic physician and surgeon," "Dr.," "D.O.," or any combination of these designations in any manner which might cause a reasonable person to believe the individual using the designation is a licensed osteopathic physician, and if the party using the designation is not a licensed osteopathic physician, the designation must additionally contain the description of the branch of the healing arts for which the person has a license.

(9) "Prescription drug or device" means:

(a) a drug or device which, under federal law, is required to be labeled with either of the following statements or their equivalent:

(i) "CAUTION: Federal law prohibits dispensing without prescription"; or

(ii) "CAUTION: Federal law restricts this drug to use by or on the order of a licensed veterinarian"; or

(b) a drug or device that is required by any applicable federal or state law or rule to be dispensed on prescription only or is restricted to use by practitioners only.

(10) "SPEX" means the Special Purpose Examination of the Federation of State Medical Boards.

(11) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-68-501.

(12) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-68-502 and as may be further defined by division rule."; and

The Health and Environment Committee reports a favorable recommendation on **S.C.R. 2**, RESOLUTION ON USE OF TOBACCO SETTLEMENT PROCEEDS, by Senator H. Nielson.

Robert F. Montgomery,  
Chair; and

Mr. President:

January 26, 1999

The Transportation and Public Safety Committee recommends **S.B. 12**, GRADUATED DRIVER LICENSING, by Senator S. Howell, be replaced and

favorably recommends **1st Sub. S.B. 12**, GRADUATED DRIVER LICENSING with the following amendments:

1. Page 3, Line 70:  
After "41-6-182." insert "the driver shall provide that"
2. Page 3, Line 71:  
Delete "shall"; and

The Transportation and Public Safety Committee reports a favorable recommendation on **S.B. 86**, REPORTING TESTS OF INDIVIDUALS INVOLVED IN MOTOR VEHICLE CRASHES, by Senator S. Howell, with the following amendments:

1. Page 1, Line 6:  
Delete "REQUIRING" and insert "ALLOWING"
2. Page 1, Line 8:  
After "PROVIDERS;" insert "AND" and after "LIABILITY" delete "; AND" and insert a period
3. Page 1, Line 9:  
Delete all of line 9
4. Page 1, Line 18:  
After "Medical Practice Act." insert "Title 58, Chapter 68, Utah Osteopathic Medical Practice Act."
5. Page 1, Line 20:  
Delete "shall" and insert "may"
6. Page 2, Lines 37-39:  
Delete all of lines 37 through 39

Michael G. Waddoups, Chair

On motion of Senator Hillyard, the committee reports were adopted. **H.B. 13, S.J.R. 4, H.B. 169, H.B. 175, H.B. 188, S.B. 82**, as amended, **S.C.R. 2, Sub. S.B. 12**, as amended, and **S.B. 86**, as amended, were placed on Second Reading Calendar.

### STANDING COMMITTEE REPORTS

Mr. President: January 26, 1999

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **S.B. 93**, ANTIDISCRIMINATION ACT

AMENDMENTS, by Senator E. Mayne, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 13, Line 383:  
Delete "If based on the"
2. Page 13, Lines 384–389:  
Delete lines 384 through 389

Parley G. Hellewell, Chair; and  
January 26, 1999

Mr. President:  
The Education Committee reports a favorable recommendation on **H.B. 174**, SCHOOL ACTIVITIES REPORT, by Representative S. Allen, and requests that it be considered read for the second time and placed on the Consent Calendar.

Lorin V. Jones, Chair

On motion of Senator Poulton, the committee reports were adopted. **S.B. 93**, as amended, and **H.B. 174** were placed on Consent Calendar.

## INTRODUCTION OF BILLS

### DISEASE TESTING FOR AT-RISK EMERGENCY SERVICE PROVIDERS

**S.B. 41**

*John L. Valentine*

AN ACT RELATING TO EMERGENCY MEDICAL SERVICES PROVIDERS AND OTHER PUBLIC SAFETY OFFICERS AND VOLUNTEER FIRST AID PROVIDERS; RECONCILING CONFLICTS BETWEEN THE HEALTH CODE AND THE JUDICIAL CODE REGARDING HIV TESTING PROCEDURES FOLLOWING A SIGNIFICANT EXPOSURE; AND PROVIDING CONFIDENTIALITY REQUIREMENTS AND PENALTY FOR UNLAWFUL DISCLOSURE OF INFORMATION, was read for the first time and referred to the Rules Committee.

### OLYMPIC AND SPECIAL EVENT LICENSURE EXEMPTION

**S.B. 42**

*Paula F. Julander*

AN ACT RELATING TO OCCUPATIONAL AND PROFESSIONAL LICENSING; PROVIDING EXEMPTION FROM STATE LICENSURE REQUIREMENTS FOR INDIVIDUALS LICENSED IN ANOTHER STATE WHILE ENGAGED IN SPECIAL EVENT-RELATED WORK IN THIS STATE

UNDER SPECIFIED CIRCUMSTANCES, was read for the first time and referred to the Rules Committee.

### **CRIMINAL RESTITUTION**

#### **S.B. 102**

*D. Edgar Allen*

AN ACT RELATING TO CRIMINAL LAW AND JUDICIARY; DIRECTING THE COMMISSION ON CRIMINAL AND JUVENILE JUSTICE TO STUDY SPECIFIED ISSUES REGARDING PAYMENT OF RESTITUTION TO VICTIMS; AND REQUIRING THE COMMISSION TO REPORT TO THE LEGISLATURE, was read for the first time and referred to the Rules Committee.

### **JUVENILE EXPUNGEMENT AMENDMENTS**

#### **S.B. 119**

*Pete Suazo*

AN ACT RELATING TO THE JUDICIAL CODE; ALLOWING FOR THE EXPUNGEMENT AND DESTRUCTION OF JUVENILE FINGERPRINTS, was read for the first time and referred to the Rules Committee.

### **REAL ESTATE LAW AMENDMENTS**

#### **S.B. 120**

*L. Alma Mansell*

AN ACT RELATING TO REAL ESTATE; CHANGING THE DATE ON WHICH AN ORDER OF THE DIVISION OF REAL ESTATE BECOMES EFFECTIVE; AND MAKING TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

### **JUVENILE AMENDMENTS**

#### **S.B. 121**

*Pete Suazo*

AN ACT RELATING TO THE JUDICIAL CODE; LOWERING THE AGE WHEN FINGERPRINTS AND PHOTOGRAPHS MAY BE TAKEN OF JUVENILES UNDER CERTAIN CIRCUMSTANCES; PROVIDING THAT PHOTOGRAPHS OF JUVENILES MAY ONLY BE USED BY LAW ENFORCEMENT PERSONNEL; MAKING TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

### **CONTROLLED ACCESS AREAS IN OLYMPIC VENUES**

#### **S.B. 122**

*Michael G. Waddoups*

AN ACT RELATING TO PUBLIC SAFETY AND THE JUDICIAL CODE; PROVIDING CROSS REFERENCES TO RESTRICTED AREAS;



AUTHORIZING RULEMAKING AUTHORITY TO THE OLYMPIC LAW ENFORCEMENT COMMANDER TO DESIGNATE CONTROLLED ACCESS AREAS AT OLYMPIC VENUES, PROVIDE NOTICE OF WEAPONS AND EXPLOSIVE RESTRICTIONS; RESTRICTING WEAPONS, INCLUDING CONCEALED WEAPONS, AND EXPLOSIVES IN CONTROLLED ACCESS AREAS AT OLYMPIC VENUES; PRESCRIBING PENALTIES; MAKING TECHNICAL CORRECTIONS; AND PROVIDING A REPEALER FOR THE OLYMPIC PROVISIONS, was read for the first time and referred to the Rules Committee.

#### **UTAH NATIONAL GUARD TUITION ASSISTANCE**

##### **S.B. 123**

*David H. Steele*

AN ACT RELATING TO MILITIAS AND ARMORIES; PROVIDING THAT ANY MONIES APPROPRIATED TO THE NATIONAL GUARD FOR TUITION ASSISTANCE IS TO BE NONLAPSING, was read for the first time and referred to the Rules Committee.

#### **THIRD READING CALENDAR**

**S.B. 11**, DRIVER LICENSING AMENDMENTS, was read the third time. Senator Peterson explained the bill. Senators Mayne, Davis, Jones, Mansell, and Hellewell commented. The bill failed on the following roll call:

**Yeas, 13; Nays, 12; Absent, 4.**

##### **Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Hale
Hellewell	Jones	Knudson	Montgomery
Muhlestein	Nielson	Peterson	Valentine
Waddoups			

##### **Voting in the negative were:** Senators

Davis	Dmitrich	B. Evans	Hull
Julander	Mansell	Mayne	Poulton
Spencer	Steele	Suazo	Beattie

##### **Absent or not voting were:** Senators

M. Evans	Hillyard	Howell	Stephenson
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**S.B. 11**, as amended, was filed.

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**S.B. 91**, WEAPONS – TECHNICAL AMENDMENTS, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	B. Evans	M. Evans	Hale
Hellewell	Hillyard	Hull	Jones
Julander	Knudson	Mansell	Mayne
Montgomery	Muhlestein	Nielson	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Beattie

**Absent or not voting was:** Senator  
Howell

**S.B. 91** was transmitted to the House.

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**S.B. 74, CHILD CARE PROVIDER CRIMINAL BACKGROUND CHECK AMENDMENTS**, was read the third time. Senator Suazo explained the bill. Senator Hellewell commented. The bill passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	B. Evans	M. Evans	Hale
Hellewell	Hillyard	Hull	Jones
Julander	Knudson	Mansell	Mayne
Montgomery	Muhlestein	Nielson	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Beattie

**Absent or not voting was:** Senator  
Howell

**S.B. 74**, as amended, was transmitted to the House.

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**Sub. S.B. 19, SALES AND USE TAX EXEMPTION FOR HEARING AIDS AND HEARING AID ACCESSORIES**, was read the third time, explained by Senator Montgomery, and passed on the following roll call:

**Yeas, 22; Nays, 4; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Davis	Dmitrich
B. Evans	M. Evans	Hale	Hellewell
Hull	Jones	Knudson	Mayne
Montgomery	Muhlestein	Nielson	Peterson
Poulton	Stephenson	Suazo	Valentine
Waddoups	Beattie		

**Voting in the negative were:** Senators

Hillyard	Mansell	Spencer	Steele
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**Absent or not voting were:** Senators

Blackham	Howell	Julander
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**Sub. S.B. 19** was transmitted to the House.

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**S.B. 76**, SALES AND USE TAX EXEMPTION FOR POLLUTION CONTROL FACILITIES, was read the third time, explained by Senator Valentine, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Davis	Dmitrich
B. Evans	M. Evans	Hale	Hellewell
Hillyard	Hull	Jones	Julander
Knudson	Mansell	Mayne	Montgomery
Muhlestein	Nielson	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Beattie		

**Absent or not voting were:** Senators

Blackham	Howell	Waddoups
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**S.B. 76** was transmitted to the House.

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**H.J.R. 3**, JOINT RULES AMENDMENTS RESOLUTION, was read the third time. Senator Poulton explained the bill. On motion of Senator Poulton, the bill was amended as follows:

1. Page 1, Line 6:  
After “REQUIREMENTS;” insert “CONDITIONALLY LIMITING ACTION ON BILLS ADDRESSING CAMPAIGN FINANCE AND ETHICS;”
2. Page 1, Line 18:  
After line 13 insert:  
JR-4.31
3. Page 4, Line 94:  
After line 94 insert:  
“Section 4. JR-4.31 is amended to read:  
JR-4.31. Reference to Standing or Interim Committee.  
(1) During an annual general or special session, bills shall be assigned to standing or interim committees as provided in Senate or House Rules.  
(2) (a) As used in this rule, “campaign finance or ethics bill” means a bill whose main subject is campaign finance, lobbyist regulation, disclosure, or ethics, or legislator disclosure or ethics.  
(b) The Senate rules committee may not send a House campaign finance or ethics bill to a standing committee or to the Senate second or third reading calendar unless the House has adopted a House rule governing the same or a parallel subject.  
(c) The House rules committee may not send a Senate campaign finance or ethics bill to a standing committee or to the House third reading calendar unless the Senate has adopted a Senate rule governing the same or a parallel subject.”  
Renumber remaining sections accordingly.

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Davis	Dmitrich
B. Evans	M. Evans	Hale	Hellewell
Hillyard	Hull	Jones	Julander
Knudson	Mansell	Mayne	Montgomery
Muhlestein	Nielson	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Beattie	

**Absent or not voting were:** Senators

Blackham	Howell
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**H.J.R. 3**, as amended, was transmitted to the House for further consideration.

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**S.B. 87**, RESTRICTION ON CREATION OF LOCAL DISTRICTS, was read the third time, explained by Senator M. Evans, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Davis	Dmitrich
B. Evans	M. Evans	Hale	Hellewell
Hillyard	Hull	Jones	Julander
Knudson	Mansell	Mayne	Montgomery
Muhlestein	Nielson	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Beattie	

**Absent or not voting were:** Senators

Blackham	Howell
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**S.B. 87** was transmitted to the House.

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**H.B. 168**, CITY FORMS OF GOVERNMENT, under suspension of the rules, was read the second and third times, explained by Senator Spencer, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Davis	Dmitrich
B. Evans	M. Evans	Hale	Hellewell
Hillyard	Hull	Jones	Julander
Knudson	Mansell	Mayne	Montgomery
Muhlestein	Nielson	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Beattie	

**Absent or not voting were:** Senators

Blackham	Howell
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**H.B. 168** was signed by the President of the Senate in open session and returned to the House.

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**H.B. 170**, INFORMATION TECHNOLOGY RESTRUCTURING , under suspension of the rules, was read the second and third times, explained by Senator Steele, and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	B. Evans	M. Evans	Hale
Hellewell	Hillyard	Hull	Jones
Julander	Knudson	Mansell	Mayne
Montgomery	Muhlestein	Nielson	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Beattie

**Absent or not voting was:** Senator  
Howell

**H.B. 170** was signed by the President of the Senate in open session and returned to the House.

## SECOND READING CALENDAR

On motion of Senator Peterson, the circle was removed from **S.B. 10**, PUBLIC ASSISTANCE ELIGIBILITY, and it was before the Senate. Senator Peterson explained the bill. On motion of Senator Peterson, the bill was amended as follows:

1. Page 2, Line 37:  
After “needs” insert:  
“and has a fair market value below 40% of the applicable amount of the federal luxury passenger automobile tax established in 26 U.S.C. Sec. 4001 and adjusted annually for inflation.”
2. Page 7, Line 184:  
After “needs” insert:  
“and has a fair market value below 40% of the applicable amount of the federal luxury passenger automobile tax established in 26 U.S.C. Sec. 4001 and adjusted annually for inflation.”

On motion of Senator Peterson, the bill was circled.

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On motion of Senator Hillyard, the bills on Second Reading Calendar will be considered under suspension of the rules.

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**H.B. 13**, PUBLIC SERVICE COMMISSION REPORTING, under suspension of the rules, was read the second time. Senator B. Evans explained the bill. The bill passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

R. Allen	Blackham	Davis	Dmitrich
B. Evans	M. Evans	Hale	Hellewell
Hillyard	Hull	Jones	Julander
Knudson	Mansell	Mayne	Montgomery
Muhlestein	Nielson	Peterson	Spencer
Steele	Stephenson	Suazo	Waddoups

**Absent or not voting were:** Senators

E. Allen	Howell	Poulton	Valentine
Beattie			

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**S.J.R. 4**, RESOLUTION ENCOURAGING EFFECTIVE WATER MANAGEMENT FOR THE FUTURE, under suspension of the rules, was read the second time. On motion of Senator Julander, the bill was circled.

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**H.B. 169**, ANNEXATION OF AGRICULTURE PROTECTION AREAS, under suspension of the rules, was read the second time. On motion of Senator Mansell, the bill was circled.

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**H.B. 175**, REGISTRATION REQUIREMENTS FOR FALCONRY, under suspension of the rules, was read the second time. Senator B. Evans explained the bill. Senator Suazo declared a conflict of interest. The bill passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Dmitrich
B. Evans	Hale	Hellewell	Hillyard
Hull	Jones	Julander	Knudson
Mansell	Montgomery	Muhlestein	Nielson
Peterson	Spencer	Steele	Stephenson
Suazo	Waddoups		

**Absent or not voting were:** Senators

Davis	M. Evans	Howell	Mayne
Poulton	Valentine	Beattie	

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**H.B. 188**, REAUTHORIZATION OF STATE WATER DEVELOPMENT COMMISSION, under suspension of the rules, was read the second time. Senator B. Evans explained the bill. The bill passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	B. Evans	M. Evans	Hale
Hellewell	Hillyard	Hull	Jones
Julander	Knudson	Mansell	Montgomery
Muhlestein	Nielson	Peterson	Spencer
Steele	Suazo	Waddoups	

**Absent or not voting were:** Senators

Howell	Mayne	Poulton	Stephenson
Valentine	Beattie		

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On motion of Senator C. Peterson, and at Hillyard, the Senate sauntered.

The Senate was called to order at 11:35, with President Beattie presiding.



**COMMUNICATIONS FROM THE HOUSE**

Mr. President: January 27, 1999

The Speaker of the House has signed **S.J.R. 2**, RESOLUTION APPROVING THE APPOINTMENT OF LEGISLATIVE FISCAL ANALYST, by Senator L. Beattie, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.J.R. 2** was signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Lt. Governor.

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Mr. President: January 27, 1999

The House passed **H.B. 9**, FUNDING CLASSROOM SUPPLIES, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.B. 15**, CRIMINAL MISCHIEF AMENDMENTS, by Representative B. Holladay, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 17**, GIFTS TO PUBLIC OFFICIALS, by Representative J. Tanner, et al, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 9**, **H.B. 15**, and **H.B. 17** were read the first time and referred to the Rules Committee.

**RULES COMMITTEE REPORT**

To the Members of the Senate: January 27, 1999

The Rules Committee recommends assignment of the following bills to standing committees:

**Business, Labor & Economic Development**

**S.B. 38** Quality Assurance on Construction of Public Buildings  
(E. Mayne)

**S.B. 115** Appropriation for Utah State Fairpark (P. Suazo)

**Education**

**S.B. 112** Appropriation for Engineering and Preengineering  
Program in Higher Education (L. Hillyard)

**S.B. 114** Strategic Planning for Educational Excellence  
Amendments (L. Hillyard)

**Health/Environment**

- S.B. 37** Procurement Code Requirement of Health Care Benefits  
(E. Mayne)
- S.B. 94** Pharmacy Practice Act Amendments (P. Knudson)

**Human Services**

- S.B. 98** Amendments – Child Abuse Database (L. Hillyard)
- S.B. 99** Appropriations for Investigation and Prosecution and  
Women’s Shelters (R. Allen)

**Judiciary**

- S.B. 97** Removal of Unenforceable Covenants (L. Hillyard)
- S.B. 101** Disarming a Peace Officer (L. Blackham)
- S.B. 104** Court Jurisdiction Amendments (L. Hillyard)
- S.B. 105** New Judicial Positions (L. Hillyard)
- S.B. 108** Divorce Decree Amendments (P. Hellewell)
- S.B. 116** Appropriation for Children’s Justice Centers (B. Evans)
- H.B. 48** Approval Required for Marriage of a Minor (C. Saunders)

**State & Local Affairs**

- S.B. 110** Limit on Plan Check Fee (M. Waddoups)

**Transportation & Public Safety**

- S.B. 100** Appropriation for the Utah Heritage Highway Project  
(L. Blackham)

Steven Poulton,  
Rules Committee Chair

Report filed.

**SECOND READING CALENDAR**

**S.B. 82**, PRACTICE OF MEDICINE, under suspension of the rules, was read the second time. Senator Montgomery explained the bill. Senators Beattie, Julander, Nelson, and Davis commented. On motion of Senator Julander, the bill was amended as follows:

1. Page 2, Line 46:  
Committee Report Item #2  
dated January 26, 1999  
Senate Health and Environment  
Standing Committee:  
Delete “provided that nothing in this Subsection (8)(a) may be construed as restricting the authority of a person to administer

anesthesia to the extent permitted by a license issued under another chapter of this title” and insert:

“except that conduct described this Subsection (8)(a) that is performed by a person legally and in accordance with a license issued under another chapter of this title does not constitute the practice of medicine.”

2. Page 3, Line 72:  
Committee Report Item #3  
dated January 26, 1999  
Senate Health and Environment  
Standing Committee:

Delete “provided that nothing in this Subsection (8)(a) may be construed as restricting the authority of a person to administer anesthesia to the extent permitted by a license issued under another chapter of this title” and insert:

“except that conduct described this Subsection (8)(a) that is performed by a person legally and in accordance with a license issued under another chapter of this title does not constitute the practice of medicine.”

The bill, as amended, passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	B. Evans	M. Evans	Hale
Hellewell	Hillyard	Hull	Jones
Julander	Knudson	Mansell	Mayne
Montgomery	Muhlestein	Nielson	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Beattie

**Absent or not voting was:** Senator  
Howell

\* \* \*

On motion of Senator L. Hillyard and at 11:55 a.m., the Senate adjourned until 10:00 a.m., Thursday, January 28, 1999.

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Amendments	96
Read the second time	66
Circled	78
Read the third time	78
Uncircled	96
Transmitted to the House	109
Other	98
<b>S.B. 79</b> -- SALES TAX EXEMPTION FOR MANUFACTURED HOMES ( <i>L. Hillyard</i> )	
Read for the first time and referred by the President of the Senate to the Rules Committee	39
Assigned to standing committee	46
Placed on calendar	77

Read the second time . . . . .	115
Read the third time . . . . .	130
Transmitted to the House . . . . .	131
<b>S.B. 80</b> -- HIGHER EDUCATION FACULTY ( <i>R. Evans</i> )	
Read for the first time and referred by the President of the Senate to the Rules Committee . . . . .	39
Assigned to standing committee . . . . .	45
<b>S.B. 81</b> -- FUNDING FOR COUGAR AND BEAR DEPREDAATION ( <i>B. Evans</i> )	
Read for the first time and referred by the President of the Senate to the Rules Committee . . . . .	39
Assigned to standing committee . . . . .	45
Placed on calendar . . . . .	77
Read the second time . . . . .	99
Read the third time . . . . .	113
Transmitted to the House . . . . .	113
<b>S.B. 82</b> -- PRACTICE OF MEDICINE ( <i>R. Montgomery</i> )	
Read for the first time and referred by the President of the Senate to the Rules Committee . . . . .	39
Assigned to standing committee . . . . .	45
Placed on calendar . . . . .	178
Amendments . . . . .	175, 190
Read the second time . . . . .	190
<b>S.B. 83</b> -- HEBER VALLEY HISTORIC RAILROAD AUTHORITY - REAUTHORIZATION ( <i>B. Evans</i> )	
Read for the first time and referred by the President of the Senate to the Rules Committee . . . . .	40
Assigned to standing committee . . . . .	46
Placed on calendar . . . . .	77
Read the second time . . . . .	116
Read the third time . . . . .	131
Transmitted to the House . . . . .	131
<b>S.B. 84</b> -- RETIREMENT BENEFIT ENHANCEMENT ( <i>H. Nielson</i> )	
Read for the first time and referred by the President of the Senate to the Rules Committee . . . . .	40
Assigned to standing committee . . . . .	110
<b>S.B. 85</b> -- APPROPRIATION TO RURAL REHABILITATION FUND ( <i>L. Blackham</i> )	
Read for the first time and referred by the President of the Senate to the Rules Committee . . . . .	40
Assigned to standing committee . . . . .	45
Placed on calendar . . . . .	77
Read the second time . . . . .	99
Read the third time . . . . .	113
Transmitted to the House . . . . .	114
<b>S.B. 86</b> -- REPORTING TESTS OF INDIVIDUALS INVOLVED IN MOTOR VEHICLE CRASHES ( <i>S. Howell</i> )	
Read for the first time and referred by the President of the Senate to the Rules Committee . . . . .	40
Assigned to standing committee . . . . .	46
Placed on calendar . . . . .	178
Amendments . . . . .	178
<b>S.B. 87</b> -- RESTRICTION ON CREATION OF LOCAL DISTRICTS ( <i>R. Evans</i> )	
Read for the first time and referred by the President of the Senate to the Rules Committee . . . . .	41
Assigned to standing committee . . . . .	74
Placed on calendar . . . . .	148
Read the second time . . . . .	160
Read the third time . . . . .	185
Transmitted to the House . . . . .	185

<b>S.B. 88</b> -- MOTOR VEHICLE INSURANCE AMENDMENTS ( <i>H. Stephenson</i> )	
Read for the first time and referred by the President of the Senate to the Rules Committee	41
Assigned to standing committee	158
<b>S.B. 89</b> -- CORRECTIONS PROGRAM SUNSET REPEAL ( <i>M. Waddoups</i> )	
Read for the first time and referred by the President of the Senate to the Rules Committee	41
Assigned to standing committee	126
<b>S.B. 90</b> -- HIGHER EDUCATION SCHOLARSHIPS ( <i>R. Montgomery</i> )	
Read for the first time and referred by the President of the Senate to the Rules Committee	41
Assigned to standing committee	126
<b>S.B. 91</b> -- WEAPONS - TECHNICAL AMENDMENTS ( <i>M. Waddoups</i> )	
Read for the first time and referred by the President of the Senate to the Rules Committee	41
Assigned to standing committee	52
Placed on calendar	127
Read the second time	155
Read the third time	181
Transmitted to the House	182
<b>S.B. 92</b> -- FAIR HOUSING AMENDMENTS ( <i>E. Mayne</i> )	
Read for the first time and referred by the President of the Senate to the Rules Committee	42
Assigned to standing committee	146
<b>S.B. 93</b> -- ANTIDISCRIMINATION ACT AMENDMENTS ( <i>E. Mayne</i> )	
Read for the first time and referred by the President of the Senate to the Rules Committee	42
Assigned to standing committee	110
Placed on calendar	179
Amendments	179
Read the second time	179
<b>S.B. 94</b> -- PHARMACY PRACTICE ACT AMENDMENTS ( <i>P. Knudson</i> )	
Read for the first time and referred by the President of the Senate to the Rules Committee	77
Assigned to standing committee	190
<b>S.B. 95</b> -- APPROPRIATION FOR ASSISTIVE TECHNOLOGY ( <i>B. Evans</i> )	
Read for the first time and referred by the President of the Senate to the Rules Committee	77
Assigned to standing committee	126
<b>S.B. 96</b> -- TUITION ASSISTANCE FOR SERVICE MEMBERS ( <i>D. Steele</i> )	
Read for the first time and referred by the President of the Senate to the Rules Committee	92
Assigned to standing committee	158
<b>S.B. 97</b> -- REMOVAL OF UNENFORCEABLE COVENANTS ( <i>L. Hillyard</i> )	
Assigned to standing committee	190
<b>S.B. 97</b> -- REMOVAL OF UNENFORCEABLE COVENANTS ( <i>L. Hillyard</i> )	
Read for the first time and referred to the Rules Committee	111
<b>S.B. 98</b> -- AMENDMENTS - CHILD ABUSE DATABASE ( <i>L. Hillyard</i> )	
Read for the first time and referred to the Rules Committee	111
Assigned to standing committee	190
<b>S.B. 99</b> -- APPROPRIATIONS FOR INVESTIGATION AND PROSECUTION AND WOMEN'S SHELTERS ( <i>R. Allen</i> )	
Assigned to standing committee	190
<b>S.B. 99</b> -- APPROPRIATIONS FOR INVESTIGATION AND PROSECUTION AND WOMEN'S SHELTERS ( <i>S. Howell</i> )	
Read for the first time and referred to the Rules Committee	112
<b>S.B. 100</b> -- APPROPRIATION FOR THE UTAH HERITAGE HIGHWAY PROJECT ( <i>L. Blackham</i> )	
Read for the first time and referred to the President of the Senate	112
Assigned to standing committee	190
<b>S.B. 101</b> -- DISARMING A PEACE OFFICER ( <i>L. Blackham</i> )	
Read for the first time and referred to the Rules Committee	113
Assigned to standing committee	190

<b>S.B. 102</b> --- CRIMINAL RESTITUTION ( <i>D. Allen</i> )	
Read for the first time and referred to the Rules Committee	180
<b>S.B. 103</b> --- USE OF HIGH OCCUPANCY VEHICLE LANES ( <i>L. Mansell</i> )	
Read for the first time and referred to the Rules Committee	134
<b>S.B. 104</b> --- COURT JURISDICTION AMENDMENTS ( <i>L. Hillyard</i> )	
Read for the first time and referred to the Rules Committee	128
Assigned to standing committee	190
<b>S.B. 105</b> --- NEW JUDICIAL POSITIONS ( <i>L. Hillyard</i> )	
Read for the first time and referred to the Rules Committee	128
Assigned to standing committee	190
<b>S.B. 106</b> --- REGULATION OF OFF-ROAD VEHICLES ( <i>L. Hillyard</i> )	
Read for the first time and referred to the Rules Committee	128
<b>S.B. 107</b> --- LICENSURE FOR PEOPLE WITH CERTAIN DISABILITIES ( <i>E. Mayne</i> )	
Read for the first time and referred to the Rules Committee	129
<b>S.B. 108</b> --- DIVORCE DECREE AMENDMENTS ( <i>P. Hellewell</i> )	
Read for the first time and referred to the Rules Committee	149
Assigned to standing committee	190
<b>S.B. 109</b> --- ICE CREAM AND MILK DISPENSER REQUIREMENTS ( <i>G. Davis</i> )	
Read for the first time and referred to the Rules Committee	129
<b>S.B. 110</b> --- LIMIT ON PLAN CHECK FEE ( <i>M. Waddoups</i> )	
Read for the first time and referred to the Rules Committee	129
Assigned to standing committee	190
<b>S.B. 111</b> --- ENTERPRISE ZONE AMENDMENTS ( <i>B. Evans</i> )	
Read for the first time and referred to the Rules Committee	150
<b>S.B. 112</b> --- APPROPRIATION FOR ENGINEERING AND PREENGINEERING PROGRAM IN HIGHER EDUCATION ( <i>L. Hillyard</i> )	
Read for the first time and referred to the Rules Committee	150
Assigned to standing committee	189
<b>S.B. 113</b> --- FINANCIAL SERVICES AMENDMENTS ( <i>P. Knudson</i> )	
Read for the first time and referred to the Rules Committee	150
<b>S.B. 114</b> --- STRATEGIC PLANNING FOR EDUCATIONAL EXCELLENCE AMENDMENTS ( <i>L. Hillyard</i> )	
Read for the first time and referred to the Rules Committee	150
Assigned to standing committee	189
<b>S.B. 115</b> --- APPROPRIATION FOR UTAH STATE FAIRPARK ( <i>P. Suazo</i> )	
Read for the first time and referred to the Rules Committee	151
Assigned to standing committee	189
<b>S.B. 116</b> --- APPROPRIATION FOR CHILDREN'S JUSTICE CENTERS ( <i>B. Evans</i> )	
Read for the first time and referred to the Rules Committee	151
Assigned to standing committee	190
<b>S.B. 117</b> --- UTAH INJURED WORKER REEMPLOYMENT ACT ( <i>E. Mayne</i> )	
Read for the first time and referred to the Rules Committee	151
<b>S.B. 118</b> --- PLUMBING CODE PROVISIONS ( <i>M. Waddoups</i> )	
Read for the first time and referred to the Rules Committee	151
<b>S.B. 119</b> --- JUVENILE EXPUNGEMENT AMENDMENTS ( <i>P. Suazo</i> )	
Read for the first time and referred to the Rules Committee	180
<b>S.B. 120</b> --- REAL ESTATE LAW AMENDMENTS ( <i>L. Mansell</i> )	
Read for the first time and referred to the Rules Committee	180
<b>S.B. 121</b> --- JUVENILE AMENDMENTS ( <i>P. Suazo</i> )	
Read for the first time and referred to the Rules Committee	180
<b>S.B. 122</b> --- CONTROLLED ACCESS AREAS IN OLYMPIC VENUES ( <i>M. Waddoups</i> )	
Read for the first time and referred to the Rules Committee	180
<b>S.B. 123</b> --- UTAH NATIONAL GUARD TUITION ASSISTANCE ( <i>D. Steele</i> )	
Read for the first time and referred to the Rules Committee	181
<b>S.C.R. 1</b> --- RESOLUTION CALLING FOR PREPARATIONS FOR YEAR 2000 ( <i>S. Howell</i> )	
Read for the first time and referred by the President of the Senate to the Rules Committee	42
<b>S.C.R. 2</b> --- RESOLUTION ON USE OF TOBACCO SETTLEMENT PROCEEDS ( <i>H. Nielson</i> )	
Read for the first time and referred by the President of the Senate to the Rules Committee	42
Assigned to standing committee	90
Placed on calendar	178

<b>S.J.R. 1</b> — CHILD CARE COMMISSION RESOLUTION ( <i>L. Blackham</i> )	
Read for the first time and referred by the President of the Senate to the Rules Committee	43
Assigned to standing committee	45
Placed on calendar	77
Read the second time	80
Read the third time	94
Transmitted to the House	94
<b>S.J.R. 2</b> — RESOLUTION APPROVING THE APPOINTMENT OF LEGISLATIVE FISCAL ANALYST ( <i>L. Beattie</i> )	
Read for the first time and referred by the President of the Senate to the Rules Committee	43
Assigned to standing committee	46
Placed on calendar	47
Read the second time	65
Read the third time	65
Transmitted to the House	66
Signed by the President and transmitted to the Lt. Governor	189
<b>S.J.R. 3</b> — ENGLISH PLUS RESOLUTION ( <i>P. Suazo</i> )	
Read for the first time and referred by the President of the Senate to the Rules Committee	43
<b>S.J.R. 4</b> — RESOLUTION ENCOURAGING EFFECTIVE WATER MANAGEMENT FOR THE FUTURE ( <i>S. Howell</i> )	
Read for the first time and referred by the President of the Senate to the Rules Committee	43
Assigned to standing committee	52
Placed on calendar	178
Read the second time	187
Circled	187
<b>S.J.R. 5</b> — RESOLUTION AMENDING STATE AND LOCAL GOVERNMENT PROVISIONS ( <i>H. Nielson</i> )	
Read for the first time and referred by the President of the Senate to the Rules Committee	44
Assigned to standing committee	46
Placed on calendar	148
Returned to standing committee	149
Amendments	148
<b>S.R. 1</b> — SENATE RULES RESOLUTION – RULES COMMITTEE ( <i>L. Poulton</i> )	
Read for the first time and referred by the President of the Senate to the Rules Committee	44
Placed on calendar	67
Amendments	78
Read the second time	78
Read the third time	92
Signed by the President and transmitted to the Lt. Governor	92
<b>S.R. 2</b> — SENATE RULES RESOLUTION ( <i>L. Poulton</i> )	
Read for the first time and referred by the President of the Senate to the Rules Committee	44
Placed on calendar	67
Read the second time	79
Read the third time	92
Signed by the President and transmitted to the Lt. Governor	93